

Michael "Mike" Lambert
Mayor
Wanda Bourgeois
Mayor Pro-Tem
Paige K. Robert
Town Clerk
Kay Prado
Assistant Town Clerk



Councilmen
Donald Schexnaydre
Randy Anny
Patti Poche
Randi Sutton

**BEER & LIQUOR LICENSE APPLICATION
STORE MANAGER APPLICATION**

Business Information:

Business Name

Telephone Number

Physical Address of Business

State

Zip

Mailing Address of Business (if different)

State

Zip

Business Email Address

Type of Business

Individual Manager Information:

Name of Manager

Telephone Number

Mailing Address

Title

Email Address

Social Security #

Driver's License #

State of Issuance

Beer and Liquor License are to be renewed each year on or before February 28 regardless of time of application.

1st CLASS BEER & LIQUOR LICENSE FEE – 1st Class Beer & Liquor License authorizes beer & liquor to be sold, served and consumed on the premises at retail prices.

2nd CLASS BEER & LIQUOR LICENSE FEE – 2nd Class Beer & Liquor License authorizes beer & liquor to be sold at retail or wholesale prices and packaged. Beer and Liquor can not be served and consumed on the premises with a 2nd Class License.

I, _____ the manager of _____,
am applying for the following license: (check appropriate license)

1st Class:

_____ Retail Beer \$35.00
_____ Retail Liquor \$ 200.00
_____ Retail Beer & Liquor \$235.00

Delinquent Permits bear a 20%
penalty plus 15% interest per
annum.

2nd Class:

_____ Wholesalers \$75.00
_____ Retail Package Beer \$25.00
_____ Retail Package Liquor \$100
_____ Retail Package Beer & Liquor \$125.00

Fees:
License Fee \$ _____
Penalty \$ _____
Interest \$ _____

Total License Fees \$ _____

The above is a true statement of the type of volume of business I will operate in the Town of Sorrento. I will acquaint myself with the Ordinances regulating my business and will observe all provisions of the Ordinances enacted by the Town of Sorrento and the laws of the State of Louisiana.

SIGNATURE OF MANAGER

DATE

Copy of Driver's License

License Fees

Sworn before me this _____ day of _____, 20__

Notary Signature

FOR OFFICE USE ONLY:

License Number

Date Issued

P. Robert, Town Clerk

K. Prado, Assistant Town Clerk

Chapter 10

ALCOHOLIC BEVERAGES

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ARTICLE I. IN GENERAL**Sec. 10-1. Definitions.**

For purposes of this chapter, the following terms have the respective meanings ascribed to them in this section, unless a different meaning clearly appears from the context:

Alcoholic beverages means any fluid or solid capable of being converted into fluid, suitable for human consumption and containing more than one-half of one percent alcohol by volume.

Beverages of high alcoholic content means alcoholic beverages containing more than six percent alcohol by volume.

Beverages of low alcoholic content means alcoholic beverages containing not more than six percent alcohol by volume.

Sec. 10-2. Closing time.

(a) It shall be unlawful under the provisions of this chapter for the proprietor, owner, agent, or employees of any barroom, club, tavern, lounge, or other establishment where alcoholic beverages are sold and consumed on the premises to serve drinks of any kind, whether alcoholic content or not, in or on the premises during the hours between 12:00 midnight and 6:00 a.m., during which hours said establishment shall remain closed.

(b) *Exception for certain restaurants.* Notwithstanding the previous paragraph, any restaurant establishment with a valid permit or license to sell alcoholic beverages from the state office of alcohol and tobacco control, and which serves food as its primary source of business, may serve alcoholic/nonalcoholic beverages approved by said permit past 12:00 midnight on Thursday, Friday, and Saturday nights only until 2:00 a.m. the following mornings.

(c) Violations of this section shall be punished by a fine of not less than \$250.00 or more than \$500.00, imprisonment not exceeding 60 days, or both. In addition, third offenders shall have their licenses suspended for 30 days, and reinstatement must have approval of the town council.

(Code 1977, § 7-12; Ord. No. 06-18, § 1, 10-3-2006; Ord. No. 10-09, §§ 1—3, 10-12-2010)

Sec. 10-3. Sale of alcoholic beverages and liquor on streets and sidewalks or in public prohibited.

No person shall consume an alcoholic beverage or possess an open container of an alcoholic beverage while standing, walking, sitting, or riding on the public streets, sidewalks, or other public rights-of-way of the town. Nor shall a person sell such alcoholic beverages or liquors from a window, door, or other aperture facing a street, sidewalk, or other public right-of-way. Violations of this section shall be punished by a fine not less than \$25.00 or more than \$100.00, by imprisonment not exceeding 30 days, or both.

(Code 1977, § 7-13)

Sec. 10-4. Gallonage tax on beverages of low alcoholic content.

There is imposed a tax on beverages of low alcoholic content of \$1.50 per standard barrel of 31 gallons based on the amount of those beverages sold and consumed within the town. The tax shall be collectible by the state and paid to the town in accordance with R.S. 26:492.

State law reference—Gallonage tax, R.S. 26:492.

Secs. 10-5—10-26. Reserved.**ARTICLE II. PERMITS****Sec. 10-27. Operation without permit prohibited.**

No person shall operate as a dealer in high or low alcoholic beverages as defined in R.S. 26:2 and 26:241, respectively, unless he has first applied for and received a permit from the town as required by this chapter. Each day's conduct of business by the dealer without a valid permit constitutes a separate violation of this chapter.

State law references—Local license and permit fees, R.S. 26:74; operation without permit prohibited, R.S. 26:75, 26:275.

Sec. 10-28. Application for permit.

(a) All applications shall be in writing and sworn to and shall contain:

- (1) The full name of the applicant;
- (2) His social security number;
- (3) His federal employer identification number, if applicable;
- (4) His Louisiana Department of Revenue business account number, if applicable;
- (5) His correct home address;
- (6) An accurate description and address of the business premises;
- (7) An affidavit of the applicant that he meets the qualifications and conditions of R.S. 26:80 and 26:280.

(b) In addition, unless he is seeking a renewal of his permit, the applicant for a retail dealer's permit shall attach to his application, as part thereof, a sworn affidavit stating that he has complied with the publication and notice provisions of R.S. 26:77 and 26:277.

(Code 1977, § 7-2)

Sec. 10-29. Submission of application.

All applications must be mailed or delivered to the town clerk within 24 hours of the application for a state permit, and if the applicant fails to do so, his application may be withheld and the permit denied. The council may issue permits immediately after proper

investigation, but in such case, for a period of 35 days after receipt of the application the permittees shall operate on a probationary basis subject to final action on opposition to or withholding of the permits.

(Code 1977, § 7-3)

State law reference—Submission of applications, R.S. 26:78, 26:278.

Sec. 10-30. Qualification of applicants.

Applicants for permits under this chapter shall meet the qualifications and conditions required of applicants for state permits as outlined in R.S. 26:80 and 26:280.

(Code 1977, § 7-4)

State law references—Qualifications of applicants, R.S. 26:80, 26:280; misstatement of fact in application, R.S. 26:84, 26:282.

Sec. 10-31. Location of business limited.

(a) No permit shall be granted in contravention of any applicable zoning ordinance or regulation.

(b) No permit shall be granted for any premises situated within 300 feet of any public playground or of a building used exclusively as a church, synagogue, public library, or school. The measurement of this distance shall be made from the nearest point of the property line of the premises to be licensed.

(c) The prohibition herein does not apply to any premises maintained as a hotel or fraternal organization or to any premises which have been licensed to deal in alcoholic beverages since February 2, 1981.

(Code 1977, § 7-5)

State law reference—Similar provisions, R.S. 26:81, 26:281.

Sec. 10-32. Operation adverse to public health, safety, or morals.

The town council shall have the authority to deny, revoke, or suspend any permit upon a finding that the opening or continued operation of the establishment or activity will have an adverse effect on the public health, safety, or morals. The term "public" means not just the immediate vicinity but the town as a whole.

Sec. 10-33. Permit fees.

(a) Dealers of beverages of high alcoholic content shall pay the following fees:

(1) Class A retail dealer permit, per year	\$200.00
(2) Class B retail dealer permit, per year	100.00
(3) Wholesaler permit, per year	100.00

(b) Dealers of beverages of low alcoholic content shall pay the following fees:

(1) Class A retail dealer permit, per year	75.00
(2) Class B retail dealer permit, per year	60.00
(3) Wholesaler permit, per year	100.00

(Code 1977, § 7-7)

Sec. 10-34. Suspension and revocation.

(a) The council may suspend or revoke permits issued to retail dealers in beverages of high alcoholic content for causes set forth in R.S. 26:90 and 26:91 and of low alcoholic content for causes set forth in R.S. 26:286 and 26:287.

(b) Before any permit is suspended or revoked, the holder shall be entitled to a hearing before the mayor and council and the hearing and notice of that hearing shall comply with the requirements of R.S. 33:4787. The holder of the permit shall likewise be entitled to appeal to the district court pursuant to R.S. 33:4788.

(Code 1977, § 7-8)

Secs. 10-35—10-56. Reserved.

ARTICLE III. SALES TO AND BY MINORS

Sec. 10-57. Sale to persons under 21 years of age.

No person holding or required to hold a permit under this chapter shall sell or serve any beverages of high or low alcoholic content to any person who is under 21 years old.

(Code 1977, § 7-9)

Sec. 10-58. Sales by minors prohibited.

(a) It shall be unlawful for any person under the age of 21 years to prepare, sell, or serve alcoholic beverages in any establishment subject to licensing under this chapter.

(b) It shall be unlawful for any retailer or dispenser to knowingly employ any person under the age of 21 years in the sale, preparation, or service of alcoholic beverages or to permit anyone under the age of 21 years to engage in the sale, preparation, or service of alcoholic beverages in any establishment subject to licensing under this chapter.

(Code 1977, § 7.11)

Secs. 10-59—10-79. Reserved.

ARTICLE IV. CERTIFICATE OF QUALIFICATION FOR BARTENDERS

Sec. 10-80. Certificate required.

Without first obtaining a certificate of qualification as hereinafter provided, it shall be unlawful for any person to prepare, dispense, or serve any alcoholic beverage for on-premises consumption when alcoholic beverages is the principal commodity prepared, dispensed, or served by such person.

Sec. 10-81. Qualifications of applicant for certificate.

An applicant for a certificate of qualification shall be someone who:

- (1) Is a person of good character and reputation and, if he is a bartender, barmaid, or waitress, is over 21 years of age, and, if a performer or entertainer, is over 18 years of age.
- (2) Has not been convicted of a felony.
- (3) Has not been convicted of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, or illegally distributing or possessing narcotics.
- (4) Has not had a license or permit to sell or deal in alcoholic beverages revoked by the federal government or any state or political subdivision thereof within one year prior to the application, and has not been convicted or had a judgment of court rendered against him involving alcoholic beverages in any state or federal court, nor determined by the state office of alcohol and tobacco control to have violated state alcohol laws, for one year prior to the application.
- (5) Has not been convicted of violating any municipal or parish ordinance adopted pursuant to the provisions of R.S. 26:494.
- (6) Has not had a certificate of qualification to dispense alcoholic beverages or any equivalent permit or license suspended or revoked by any other jurisdiction.
- (7) Has obtained the approval of the chief of police as having met all of the requirements contained in the foregoing subsections.

Sec. 10-82. Application in writing; fee; renewal.

The application for a certificate of qualification shall be in writing on forms furnished by the chief of police. The certificate fee shall be \$25.00. The applicant will also be charged a fingerprint fee of an amount set by the office of state police. The application certificate, if issued, shall be valid for a period of two years, after which the applicant must reapply and pay the fees set forth in this section.

Sec. 10-83. Denial of certificate.

After a complete investigation of the applicant, the chief of police may, in the interest of public health, safety, or morals, refuse to issue a certificate of qualification to any person who lacks any of the qualifications set forth in this article.

Sec. 10-84. Owner's responsibility.

It shall be the responsibility of the owner of the establishment, including the officer or agent in charge of any corporate or other legal entity that is the owner, to ensure that each employee

or agent who is required to be qualified under this article has obtained the necessary certificate of qualification. An owner who fails to do so shall be subject to suspension or revocation of his alcohol beverage permit.

Sec. 10-85. Suspension or revocation for violation.

Whenever a person who has been issued a certificate of qualification violates any provision of this article or no longer meets the qualifications in this article, whether through his act or his failure to act, his certification shall be subject to suspension or revocation by the town council on recommendation of the chief of police.

Sec. 10-86. Appeals.

Any person aggrieved by the decision of the chief of police to refuse to issue or to suspend or revoke a certificate of qualification as provided in this article may take a devolutive appeal to the town council within 15 days of written notification of the decision. The appeal must be in writing and filed with the chief of police, who shall promptly file a copy with the mayor. The council shall hear this appeal within 20 days of receipt by the chief of police. The decision of the chief of police shall be final unless appealed within the time and in the manner set forth in this section.

Secs. 10-87—10-110. Reserved.

ARTICLE V. REGULATIONS CONCERNING NUDITY

Sec. 10-111. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nudity or a state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Seminude or in a semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sec. 10-112. Nudity prohibited.

It shall be unlawful for a person required to have an alcoholic beverage permit or any agent or employee of such person to appear nude or to permit any other person to appear nude on the premises of an establishment required to hold an alcoholic beverage permit.

Sec. 10-113. Seminudity regulated.

(a) It shall be unlawful for a person to appear in a seminude condition on the premises of any establishment required to hold an alcoholic beverage permit unless the person is an employee who, while seminude, shall be at least six feet from any patron or customer and on a stage at least two feet from the floor.

(b) It shall be unlawful for an employee to receive directly any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity directly to any employee while said employee is seminude on such premises.

(c) It shall be unlawful for an employee, while seminude, to touch intentionally a customer or the clothing of a customer.

Sec. 10-114. Permit for seminude entertaining.

(a) No employee may work in a seminude state without obtaining a certificate of qualification. The requirements for and conditions of such permit shall be the same as provided in this article.

(b) The term "employee" means any person who performs any service on the premises licensed for the sale of alcoholic beverages, on a full time, part time, or contract basis.

Sec. 10-115. Location requirements.

No premises where alcoholic beverages are sold which regularly features or shows persons who appear seminude may be located within 1,000 feet of the following:

- (1) The property line of a private residential dwelling.
- (2) The property line of any public library.
- (3) The property line of any school or day care center. The term "school" includes only such public, private, or church-sponsored schools as regularly teach the subjects commonly taught in the primary and secondary schools of the state.
- (4) A regular stop where a school bus for the transportation of school children boards or discharges passengers.

The distance restrictions apply in any and all directions from the property line of such premises, as measured in a straight line.

Sec. 10-116. Violation of permit.

In addition to any other penalties provided by law, any establishment on which a violation of this article occurs shall be in violation of its beverage control permit and subject to suspension or revocation of the permit.